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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,901	03/21/2001	Petter Ericson	3782-0128P	1171
2292	7590	06/28/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			TREMBLAY, MARK STEPHEN	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/812,901

Applicant(s)

ERICSON

Examiner

Mark Tremblay

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-9 11-14, 16, 25-36 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent #6,678,425 to Petrie et al. (" '162 " hereinafter). A product which has a surface provided with an image in the form of a coding pattern which includes symbols representing at least two different values (col. 2, line 58), each symbol comprising a raster point (the glyphs are arranged in a two dimensional array) and at least one marking; the raster point being included in a raster which extends over the surface; at least one value of each symbol being indicated by a placement of the at least one marking in relation to a raster point (e.g. the upper portion of the glyph is either to the right or left of the center of the glyph); and the markings each having a spatial extent which, in combination, at least partially form the image (see figures 8 and 9).

Re claims 11-13 and 33-35, Petrie is designed to encode all data, and that set includes the claimed limitations.

Re claim 14, any offset to the glyph raster could be considered a virtual raster.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly

owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claim 4 is rejected under 35 U.S.C. § 103 as being unpatentable over '162 in view of U.S. Patent #5,168,147 to Bloomberg ("Bloomberg" hereinafter). Petrie teaches the features of the invention as described above, but fails to teach a circular mark. Bloomberg teaches that a circular mark can be used as an alternative to a glyph. See figures 3 and 3a. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the circular marks taught by Bloomberg for the elongated glyphs taught by Petrie because Bloomberg teaches that circular glyphs can encode the information in a rotationally invariant manner.

Claims 17-24 and 37 are rejected under 35 U.S.C. § 103 as being unpatentable over '162 in view of U.S. Patent #5,864,127 to Jackson et al. ("Jackson" hereinafter). Petrie teaches the features of the invention, and further suggests "overlapping markings", but fails to directly teach overlapping markings. Jackson et al. teach that glyph codes may be formed from markings comprising overlapping circular marks. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use overlapping markings as taught by Jackson to form the image of the '162 patent because Jackson teaches that glyphs may be formed from a more elementary mark comprising overlapping circles. This is fundamental to those skilled in the art of printing.

Claims 10 and 15 are rejected under 35 U.S.C. § 103 as being unpatentable over '162 in view of U.S. Patent #6,000,613 to Hecht et al. ("Hecht" hereinafter). Petrie teaches the features of the invention, but does not teach more than a binary coding. Hecht et al. teach that a glyph can encode two bits in one of four positions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the Hecht scheme to encode two bits per glyph with the Petrie teaching because the Hecht scheme would increase the data density of the glyphs.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent #6470096, 6641053, 6678425, 5710636, and 5221833 are cited for showing other variations on the Xerox glyph codes.

Voice

Inquiries for the Examiner should be directed to Mark Tremblay at (571) 272-2408. The Examiner's regular office hours are 10:30 am to 7:00 pm EST Monday to Friday. Voice mail is available. If Applicant has trouble contacting the Examiner, the Supervisory Patent Examiner, Michael Lee, can be reached on (571) 272-2398. Technical questions and comments concerning PTO procedures may be directed to the Patent Assistance Center hotline at 1-800-786-9199 or (703) 308-4357.


MARK TREMBLAY
PRIMARY EXAMINER

June 28, 2004